

Meeting of the Disability Subcommittee

Monday, August 28, 2006

2:00 p.m.

40 Fountain Street, Providence, Rhode Island 02903

I. Roll Call of Members

The following members were present at roll call: Daniel L. Beardsley; Michael R. Boyce; William B. Finelli; Kerry Walsh, Esq., designee for the General Treasurer and Jerome F. Williams, designee for the Director of Administration.

Also in attendance: Frank J. Karpinski, ERSRI Executive Director, Attorney William E. O’Gara, Board Counsel and Dr. Christopher Ley, MD, Board Medical Advisor.

Recognizing a quorum, Chairman Finelli called the meeting to order.

II. Discussion and Development on a policy for the word “Aggravation” pertaining to Jean Rossi v. ERSRI

Attorney O’Gara told the committee that they had a draft policy included in their packets. He said it was prepared in conjunction with RIGL §36-10-14 and the recent court decision of Jean Rossi v. ERSRI where the court, in essence, promoted a directive for the Board to define the word aggravation relative to accidental disability. He said it was prepared with an analysis of what other states did regarding the definition of the word “aggravation” as related to work related injuries.

Mr. Williams and Mr. Beardsley both recommended that the word “original injury” be substituted for the word disability in section A under the word “aggravation”.

Mr. Williams also recommended the words “work related” be supplemented in with the phrase “series of events” to provide additional clarification.

After some discussion, it was decided to make the recommended changes to the draft.

The committee then discussed a draft of a new form to be sent to physicians for accidental disability applicants. Attorney O’Gara told the Board the form asks the physician to opine with a reasonable degree of medical certainty, based on their medical examination, on the applicants incapacitation related to an accidental disability. He told the Board the language in the form is

more closely related to RIGL §36-10-14. Attorney O’Gara said the forms intent is get additional clarification from medical reports.

Dr. Ley recommended that language be included on the form requesting the physician to disclose if they were able to review any medical records of the applicant. The committee agreed.

The committee then discussed how they could additionally educate physicians on the needs of the Board. It was decided that via additional Question and Answers on the new form on various issues, additional information could be extracted from the individual medical evaluations (IME’s). Questions such as, how the results of a particular examination differs from a workers compensation examination could help the committee evaluate the IME better. The committee also agreed that the form was a living document and as issues arise, questions would be drafted and added to the form on an ongoing basis supplemented with follow-up with the particular physician.

Chairman Finelli summarized the changes and deletions to the draft regulation and form. He said that at the next committee meeting, motions could be made to accept the updated documents. Director Karpinski told the committee that upon their approval of the regulation, it would be forwarded to the Rules and Regulations subcommittee for their review and approval. After approval of the Rules and Regulations subcommittee, the regulation would be transmitted to the full board for a vote. The Director said the final step of the process would be to promulgate the regulation through the Secretary of States office.

III. New Business

None for this meeting

IV. Adjournment

There being no other business to come before the committee, on a motion by Michael R. Boyce and seconded by Jerome F. Williams the meeting adjourned at 3:15 p.m.

Respectfully submitted,

Frank J. Karpinski

Executive Director